

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Lead Case No. 1:24-cv-21136-LEIBOWITZ/TORRES

TUSHBABY, INC.,

Plaintiff/Counter-Defendant,

v.

SHIAON, a Foreign Corporation,

Defendant/Counterclaimant.

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TUSHBABY, INC.,

Plaintiff/Counter-Defendant,

v.

FLEEROSE, a Foreign Corporation,

Defendant/Counterclaimant.

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PLAINTIFF'S CONSOLIDATED RESPONSE TO REFILED COUNTERCLAIMS

In this consolidated matter, Defendants Fleeroose and Shiaon have filed counterclaims, which they amended as a matter of right. [ECF Nos. 90, 101, 107, 112]. Plaintiff Tushbaby has moved to dismiss those amended operative counterclaims, and those motions are ripe for the Court's review. [ECF Nos. 113–18]. However, after the Court denied Defendants' motions to dismiss Tushbaby's operative complaint [ECF Nos. 120 & 122], Defendants refiled their operative counterclaims without leave of Court. [See ECF Nos. 121 & 123]. Because Tushbaby has responded to the operative counterclaims, and those motions remain pending before the Court, Tushbaby believes it has no obligation to further respond to the refiled counterclaims. To the extent the Court disagrees, Tushbaby will promptly refile its motions to dismiss. That said, Tushbaby has conferred with counsel for

Defendants, who stated he agrees with Tushbaby's position that no response is required to the counterclaims refiled as Docket Entries 121 and 123.

Dated: December 11, 2024

Respectfully submitted,

James M. Slater

James M. Slater (FBN 111779)
ESCA Legal LLC
9000 Dadeland Blvd. #1500
Miami, FL 33156
Tel.: (305) 523-9023
james@esca.legal

Leo M. Lichtman (admitted *pro hac vice*)
ESCA Legal LLC
1117 Sixth Avenue, Fifth Floor
New York, New York 10036
Tel.: (347) 745-2535
leo@esca.legal

Attorneys for Plaintiff Tushbaby, Inc.